

May 15, 2007

Commissioners met on this day with the following members present: John Richwine, Patricia Dillon and Paul Wilson. Also present were County Attorney Jim Wilson, County Auditor Kathy Stoops-Wright, Deputy Auditor Jane Lyons and Commissioners Office Manager Linda Smith.

IN THE MATTER OF APPROVAL OF MINUTES

Commissioners approved the minutes for May 1, 2007 upon motions made by Patricia Dillon and seconded by John Richwine. Motion carried unanimously.

IN THE MATTER OF AWARDING BIDS FOR HIGHWAY 2007 PAVING AND PAVEMENT MARKINGS

Commissioners received the following bids for the 2007 Highway Paving:

Shelly & Sands, Inc. Noblesville, IN	\$863,802.30
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E & B Paving, Inc. Anderson, IN	\$751,588.80
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Rieth-Riley Construction Co Indianapolis, IN	\$817,865.10
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Motion was made by Paul Wilson and seconded by Patricia Dillon to award the 2007 Highway Paving to the lowest bidder, E & B Paving, Inc. Motion carried unanimously.

Commissioners also received the following bids for the 2007 Highway Pavement Markings:

Interstate Road Management Oak Harbor, OH	\$98,879.00
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T & R Pavement Markings Greenfield, IN	\$102,212.00
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Motion was made by John Richwine and seconded by Patricia Dillon to award the 2007 Highway Pavement to the lowest bidder, Interstate Road Management. Motion carried unanimously.

IN THE MATTER OF ANNUAL REPORT OF THE BOARD OF COMMISSIONERS TO THE STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

Commissioners approved the Annual Report of the Board of Commissioners to the State Superintendent of Public Instructions upon motions made by Paul Wilson and seconded by John Richwine. Motion carried unanimously. The Report is available at the Commissioners Office for review.

IN THE MATTER OF TRAM LETTER OF INTENT

Rosalee Bernard, COG, came before the Board of Commissioners for their approval of the TRAM Letter of Intent for the 2008 Grant. Motion to approve made by John Richwine and seconded by Patricia Dillon. Motion carried unanimously.

Rosalee also mentioned to the Commissioners that she is retiring on June 29, 2007 and Jan Ford will be taking her responsibilities concerning TRAM.

May 15, 2007

IN THE MATTER OF DRIVEWAY PERMITS

Commissioners approved the following Driveway Permits upon motions made by Paul Wilson and seconded by Patricia Dillon. Motion carried unanimously.

D07-44	Kent Baledge	1 dr E sd of 100W, N of 1000N & 1 dr N sd of 1000N, E of 100W	Monroe
D07-45	CP Morgan	Summerlake L 19	Green
D07-46	CP Morgan	Summerlake L 779	Green
D07-47	CP Morgan	Summerlake L 801	Green
D07-48	Riffey Builders	Hickory Hills E L 61	Fall Cr
D07-49	CP Morgan	Summerlake L 802	Green
D07-50	CP Morgan	Summerlake L 18	Green

**IN THE MATTER OF OVERVIEW OF ELECTION VOTING SITE LOCATIONS
FOR GENERAL ELECTION**

Shawn Swindell came before the Commissioners with an overview of the Election voting site locations. Southside Middle School has mentioned that the Principal didn't want to hold elections there anymore because of the confusion and there isn't really the room. Also, North Anderson Elementary school has closed so the voting site was moved to Matthew United Methodist Church on Madison Avenue. The Highway Department had put signs at North Anderson letting the citizens know where the new voting site would be. Anderson Rental also asked that there business not be used anymore for voting. She is looking into alternative locations.

There are around 58 schools in the County that are used as voting site locations. The Commissioners want to eventually get all the voting out of the schools due to the cost of security they have to maintain at the schools on election day.

Shawn will have a complete list for voting site locations by the September 14th meeting for the Commissioners approval.

IN THE MATTER OF SURETY BOND FOR SHAWN SWINDELL

Commissioners renewed the Surety Bond for Shawn Swindell. Said bond is for \$8,500.00. Motion to approve made by John Richwine and seconded by Paul Wilson. Motion carried unanimously.

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**IN THE MATTER OF RESOLUTION NO. 2007-BC-R-02, RESOLUTION
APPROVING TRANSFER OF REAL PROPERTY**

Commissioners approved the transfer of Real Property to the City of Anderson with Resolution No. 2007-BC-R-02. County Attorney Jim Wilson said the County has completed all documents for this process to go forward, including two Quit Claim Deeds and an Indemnification document ready for the City to sign. Paul Wilson made a motion that Resolution No. 2007-BC-R-02 and the Indemnification document be passed as read by County Attorney and only to be executed upon receiving the Indemnification document signed and approved by the City of Anderson. Motion seconded by Patricia Dillon. Motion carried unanimously.

RESOLUTION APPROVING TRANSFER OF REAL ESTATE

WHEREAS, at the formal request of the City of Anderson, Indiana, the Madison County Commissioners petitioned the Madison County Circuit Court for a tax deed for the following described real estate situated in Madison County, Indiana, to-wit:

- A. Beginning at the Southwest corner of Lot 56 (now vacated) in Hannah and Hazlett's Addition as recorded in Plat Book 1, page 3, records of Madison County, Indiana, said point being on the East line of Jackson Street, and 158 feet North of the North line of Fourth Street; thence North along the East line of Jackson Street 353.6 feet, more or less, to the point of beginning of a curve to the right which is concentric with and 28 feet East of a curve of the following data: $I = 17$ degrees 30 minutes - $O = 3$ degrees 30 minutes - $T = 252$ feet and $L = 500$ feet; thence Northwesterly along the East line of Jackson Street along the above mentioned curve to the right 310.6 feet to the Westerly right-of-way line of the old P.C.C. and St. L. Railway; thence Southeasterly along said railway right-of-way line 703 feet, more or less, to the West line of Meridian Street; thence South 173 feet along the West line of Meridian Street to the North line of Fourth Street; thence West along the North line of Fourth Street 254 feet to a point 48 feet East of the East line of Jackson Street; thence North 158 feet parallel with the east line of Jackson Street to the North line of an alley; thence West 48 feet along the North line of said alley to the place of beginning.

The above description comprises all the land bounded on the West by the East line of Jackson Street, on the North and East by the Southwesterly right-of-way line of the Old P.C.C. and St. L. Railway and the West line of Meridian Street and on the South by the North line of Fourth Street; EXCEPT a parcel of ground out of the Southwest corner thereof which is 158 feet in length North and South and 48 feet in length East and West. (Said exception also being a strip of land 48 feet in width off the entire West end of Lots 50 and 53 in Hannah and Hazlett's Addition to the City of Anderson together with that part of the alley adjacent to the North side of said part of Lot 53.
Parcel #999-74

- B. Beginning at a point on the East side of the Right of Way of the Michigan Division of the C.C.C. & St. L. Railway, 640 feet North of the center line running East and West through the center of Section 12, Township 19 North, Range 7 East (such point being the intersection of said east side of the Right of Way and the North line of First Street); thence North and curving Eastwardly along said Right of Way to White River; thence up said river with its meanderings to the West line of Delaware Street in the City of Anderson, thence South with the West line of said Delaware Street to a point 1,064 feet North of said center line running East and West through the Center of said Section 12; thence West parallel with said

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center line, 864.25 feet; thence turn an angle to the left, 90 degrees and measure 424 feet to a point 640 feet North of the Center line running East and West through center of said Section 12 and 865 feet West of the West line of Delaware Street; thence West 512.4 feet to the place of beginning, containing 36.24 acres more or less.

EXCEPT: Beginning at a point on the West line of Delaware Street, as now located, said point being 1,064 feet North of the East-West centerline of said Section 12 as measured along the West line of said street; thence Westerly, parallel with said East-West centerline, a distance of 580 feet; thence Northerly, parallel with the West line of said street, a distance of 150 feet; thence Easterly, parallel with said East-West centerline, a distance of 580 feet to the West line of said street, thence Southerly, along the West line of said street, 150 feet to the point of beginning, containing 2.00 acres, more or less.

ALSO EXCEPT: Beginning at a point on the West line of Delaware Street, said point being North 00 degree 00 minute 00 second (assumed bearing) 1,214.00 feet from the intersection of the West line of Delaware Street with the East-West centerline of Section 12, Township 19 North, Range 7 East; thence North 89 degrees 54 minutes 00 second West 30.00 feet; thence North 78 degrees 59 minutes 19 seconds East 30.58 feet to a point on the West line of Delaware Street; thence South 00 degree 00 minute 00 seconds along the West line of Delaware Street a distance of 6.00 feet to a point of beginning. Being a part of the Northeast Quarter of Section 12, Township 19 North, Range 7 East, and containing 0.002 of an acre, more or less.

Containing after said exceptions, 34.238 acres, more or less.

Such lands being identified as Parcel Number 18-1138-2-1, in the Records of the Madison County Auditor;

- C. City of Anderson Township in Anderson, Indiana, Hannah and Hazlett's Addition, PL 12 Lot 50 - 48' E of NE corner of Jackson and 4th, PL 11 Lot 50 - 96' E of NE corner of Jackson and 4th, PL 21 Lot 53 Parking Lot Behind 4th and Jackson, PL 22 Lot 53, 200-300 Jackson Street, 2.806 Acres,

and,

WHEREAS, the City proposes to develop the subject parcels of real estate for public purposes; and,

WHEREAS, there is evidence to support the possibility that the above described real estate has been environmentally damaged or contains environmental defects; and,

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WHEREAS, the Madison County Board of Commissioners deems it to be in the best interest of the County to transfer the above described parcels or real estate directly to the City of Anderson, but only on the condition that the City would indemnify the County for all damage or liability the County might suffer for having acquired the above described real estate for the City and thus being placed in the chain of title for said real estate.

NOW THEREFORE, be it resolved by the Board of Commissioners of Madison County, Indiana, as follows:

1. The Board of Commissioners has determined that it is in the best interest of the County to transfer the following described real estate situated in Madison County, Indiana, to-wit:

- A. Beginning at the Southwest corner of Lot 56 (now vacated) in Hannah and Hazlett's Addition as recorded in Plat Book 1, page 3, records of Madison County, Indiana, said point being on the East line of Jackson Street, and 158 feet North of the North line of Fourth Street; thence North along the East line of Jackson Street 353.6 feet, more or less, to the point of beginning of a curve to the right which is concentric with and 28 feet East of a curve of the following data: $I = 17$ degrees 30 minutes - $O = 3$ degrees 30 minutes - $T = 252$ feet and $L = 500$ feet; thence Northwesterly along the East line of Jackson Street along the above mentioned curve to the right 310.6 feet to the Westerly right-of-way line of the old P.C.C. and St. L. Railway; thence Southeasterly along said railway right-of-way line 703 feet, more or less, to the West line of Meridian Street; thence South 173 feet along the West line of Meridian Street to the North line of Fourth Street; thence West along the North line of Fourth Street 254 feet to a point 48 feet East of the East line of Jackson Street; thence North 158 feet parallel with the east line of Jackson Street to the North line of an alley; thence West 48 feet along the North line of said alley to the place of beginning.

The above description comprises all the land bounded on the West by the East line of Jackson Street, on the North and East by the Southwesterly right-of-way line of the Old P.C.C. and St. L. Railway and the West line of Meridian Street and on the South by the North line of Fourth Street; EXCEPT a parcel of ground out of the Southwest corner thereof which is 158 feet in length North and South and 48 feet in length East and West. (Said exception also being a strip of land 48 feet in width off the entire West end of Lots 50 and 53 in Hannah and Hazlett's Addition to the City of Anderson together with that part of the alley adjacent to the North side of said part of Lot 53.
Parcel #999-74

- B. Beginning at a point on the East side of the Right of Way of the Michigan Division of the C.C.C. & St. L. Railway, 640 feet North of the center line running

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East and West through the center of Section 12, Township 19 North, Range 7 East (such point being the intersection of said east side of the Right of Way and the North line of First Street); thence North and curving Eastwardly along said Right of Way to White River; thence up said river with its meanderings to the West line of Delaware Street in the City of Anderson, thence South with the West line of said Delaware Street to a point 1,064 feet North of said center line running East and West through the Center of said Section 12; thence West parallel with said center line, 864.25 feet; thence turn an angle to the left, 90 degrees and measure 424 feet to a point 640 feet North of the Center line running East and West through center of said Section 12 and 865 feet West of the West line of Delaware Street; thence West 512.4 feet to the place of beginning, containing 36.24 acres more or less.

EXCEPT: Beginning at a point on the West line of Delaware Street, as now located, said point being 1,064 feet North of the East-West centerline of said Section 12 as measured along the West line of said street; thence Westerly, parallel with said East-West centerline, a distance of 580 feet; thence Northerly, parallel with the West line of said street, a distance of 150 feet; thence Easterly, parallel with said East-West centerline, a distance of 580 feet to the West line of said street, thence Southerly, along the West line of said street, 150 feet to the point of beginning; containing 2.00 acres, more or less.

ALSO EXCEPT: Beginning at a point on the West line of Delaware Street, said point being North 00 degree 00 minute 00 second (assumed bearing) 1,214.00 feet from the intersection of the West line of Delaware Street with the East-West centerline of Section 12, Township 19 North, Range 7 East; thence North 89 degrees 54 minutes 00 second West 30.00 feet; thence North 78 degrees 59 minutes 19 seconds East 30.58 feet to a point on the West line of Delaware Street; thence South 00 degree 00 minute 00 seconds along the West line of Delaware Street a distance of 6.00 feet to a point of beginning. Being a part of the Northeast Quarter of Section 12, Township 19 North, Range 7 East, and containing 0.002 of an acre, more or less.

Containing after said exceptions, 34.238 acres, more or less.

Such lands being identified as Parcel Number 18-1138-2-1, in the Records of the Madison County Auditor;

- C. City of Anderson Township in Anderson, Indiana, Hannah and Hazlett's Addition, PL 12 Lot 50 - 48° E of NE corner of Jackson and 4th, PL 11 Lot 50 - 96° E of NE corner of Jackson and 4th, PL 21 Lot 53 Parking Lot Behind 4th and Jackson, PL 22 Lot 53, 200-300 Jackson Street, 2.806 Acres,

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to the City of Anderson so that the City of Anderson might revitalize the above described real estate for public purposes.

Duly Adopted by the Board of Commissioners of Madison County, Indiana, this ____ day of May, 2007

MADISON COUNTY BOARD OF COMMISSIONERS

BY: _____
JOHN M. RICHWINE, *President*

PATRICIA DILLON, *Member*

PAUL F. WILSON, *Member*

Prepared by:

JAMES W. WILSON/#1286-48
BINGHAM, FARRER & WILSON, P.C.
Attorneys at Law
P. O. Box 494
Elwood, IN 46036
Telephone: (765) 552-9878
Facsimile: (765) 552-5496
Madison County/Indiana State Department of Public Safety

May 15, 2007

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that the Board of Commissioners of Madison County, Indiana, on behalf of Madison County, Indiana, ("Grantor") CONVEYS AND QUITCLAIMS to the City of Anderson, Indiana, a municipality, of Madison County in the State of Indiana, in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Madison County, in the State of Indiana:

Beginning at a point on the East side of the Right of Way of the Michigan Division of the C.C.C. & St. L. Railway, 640 feet North of the center line running East and West through the center of Section 12, Township 19 North, Range 7 East (such point being the intersection of said east side of the Right of Way and the North line of First Street); thence North and curving Eastwardly along said Right of Way to White River; thence up said river with its meanderings to the West line of Delaware Street in the City of Anderson; thence South with the West line of said Delaware Street to a point 1,064 feet North of said center line running East and West through the Center of said Section 12; thence West parallel with said center line, 864.25 feet; thence turn an angle to the left, 90 degrees and measure 424 feet to a point 640 feet North of the Center line running East and West through center of said Section 12 and 865 feet West of the West line of Delaware Street; thence West 512.4 feet to the place of beginning, containing 36.24 acres more or less.

EXCEPT: Beginning at a point on the West line of Delaware Street, as now located, said point being 1,064 feet North of the East-West centerline of said Section 12 as measured along the West line of said street; thence Westerly, parallel with said East-West centerline, a distance of 580 feet; thence Northerly, parallel with the West line of said street, a distance of 150 feet; thence Easterly, parallel with said East-West centerline, a distance of 580 feet to the West line of said street; thence Southerly, along the West line of said street, 150 feet to the point of beginning; containing 2.00 acres, more or less.

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Containing after said exceptions, 34.238 acres, more or less.

Such lands being identified as Parcel Number 18-1138-2-1, in the Records of the Madison County Auditor.

Dated this ____ day of May, 2007.

May 15, 2007

BOARD OF COMMISSIONERS OF
MADISON COUNTY, INDIANA

By: _____
Printed: John M. Richwine (Member)

By: _____
Printed: Paul F. Wilson (Member)

By: _____
Printed: Patricia Dillon (Member)

STATE OF INDIANA)
)SS:
COUNTY OF MADISON)

Before me, the undersigned, a Notary Public in and for said County and State, this ____ day of May, 2007, personally appeared Madison County, Indiana, acting herein by its Board of Commissioners, John M. Richwine, Paul F. Wilson, and Patricia Dillon, and acknowledged execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: _____ Signature: _____
Resident of _____ County, Indiana Printed: _____

May 15, 2007

QUITCLAIM DEED

THIS INDENTURE WITNESSETH, that the Board of Commissioners of Madison County, Indiana, on behalf of Madison County, Indiana, ("Grantor") CONVEYS AND QUITCLAIMS to the City of Anderson, Indiana, a municipality, of Madison County in the State of Indiana, in consideration of One Dollar (\$1.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the following described real estate in Madison County, in the State of Indiana:

City of Anderson Township in Anderson, Indiana, Hannah and Hazlett's Addition, PL 12 Lot 50 - 48' E of NE corner of Jackson and 4th, PL 11 Lot 50 - 96' E of NE corner of Jackson and 4th, PL 21 Lot 53 Parking Lot Behind 4th and Jackson, PL 22 Lot 53, 200-300 Jackson Street, 2.806 Acres,

Dated this ____ day of May, 2007.

BOARD OF COMMISSIONERS OF
MADISON COUNTY, INDIANA

By: _____
Printed: John M. Richwine (Member)

By: _____
Printed: Paul F. Wilson (Member)

By: _____
Printed: Patricia Dillon (Member)

STATE OF INDIANA)
)ss:
COUNTY OF MADISON)

Before me, the undersigned, a Notary Public in and for said County and State, this ____ day of May, 2007, personally appeared Madison County, Indiana, acting herein by its Board of Commissioners, John M. Richwine, Paul F. Wilson, and Patricia Dillon, and acknowledged execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: _____ Signature: _____
Resident of _____ County, Indiana Printed: _____

I affirm, under the pains and penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. James W. Wilson.

This instrument prepared by: James W. Wilson, Attorney at Law, P.O. Box 494, Elwood, IN 46036
Mail to: Bingham, Farrer & Wilson, P.C., P. O. Box 494, Elwood, IN 46036

May 15, 2007

QUITCLAIM DEED

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The above description comprises all the land bounded on the West by the East line of Jackson Street, on the North and East by the Southwesterly right-of-way line of the Old P.C.C. and St. L. Railway and the West line of Meridian Street and on the South by the North line of Fourth Street; EXCEPT a parcel of ground out of the Southwest corner thereof which is 158 feet in length North and South and 48 feet in length East and West. (Said exception also being a strip of land 48 feet in width off the entire West end of Lots 50 and 53 in Hannah and Hazlett's Addition to the City of Anderson together with that part of the alley adjacent to the North side of said part of Lot 53.
Parcel #999-74

Dated this ____ day of May, 2007.

BOARD OF COMMISSIONERS OF
MADISON COUNTY, INDIANA

By: _____
Printed: John M. Richwine (Member)

By: _____
Printed: Paul F. Wilson (Member)

By: _____
Printed: Patricia Dillon (Member)

May 15, 2007

STATE OF INDIANA)
)ss:
COUNTY OF MADISON)

Before me, the undersigned, a Notary Public in and for said County and State, this ____ day of May, 2007, personally appeared Madison County, Indiana, acting herein by its Board of Commissioners, John M. Richwine, Paul F. Wilson, and Patricia Dillon, and acknowledged execution of the foregoing deed.

In witness whereof, I have hereunto subscribed my name and affixed my official seal.

My Commission Expires: _____ Signature: _____
Resident of _____ County, Indiana Printed: _____

I affirm, under the pains and penalties of perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law. James W. Wilson.

This instrument prepared by: James W. Wilson, Attorney at Law, P.O. Box 494, Elwood, IN 46036
Mail to: Bingham, Farrer & Wilson, P.C., P. O. Box 494, Elwood, IN 46036

May 15, 2007

INDEMNIFICATION AGREEMENT

This Agreement is made and entered into this ____ day of May, 2007, by and between the City of Anderson, Indiana ("City") acting herein by and through its Board of Public Works, and Madison County, Indiana, (County) acting herein by and through the Madison County Board of Commissioners;

WHEREAS, at the formal request of the City, the Madison County Commissioners petitioned the Madison County Circuit Court for a tax deed for the following described real estate situated in Madison County, Indiana, to-wit:

- A. Beginning at the Southwest corner of Lot 56 (now vacated) in Hannah and Hazlett's Addition as recorded in Plat Book 1, page 3, records of Madison County, Indiana, said point being on the East line of Jackson Street, and 158 feet North of the North line of Fourth Street; thence North along the East line of Jackson Street 353.6 feet, more or less, to the point of beginning of a curve to the right which is concentric with and 28 feet East of a curve of the following data: $1 = 17$ degrees 30 minutes - $0 = 3$ degrees 30 minutes - $T = 252$ feet and $L = 500$ feet; thence Northwesterly along the East line of Jackson Street along the above mentioned curve to the right 310.6 feet to the Westerly right-of-way line of the old P.C.C. and St. L. Railway; thence Southeasterly along said railway right-of-way line 703 feet, more or less, to the West line of Meridian Street; thence South 173 feet along the West line of Meridian Street to the North line of Fourth Street; thence West along the North line of Fourth Street 254 feet to a point 48 feet East of the East line of Jackson Street; thence North 158 feet parallel with the east line of Jackson Street to the North line of an alley; thence West 48 feet along the North line of said alley to the place of beginning.

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Parcel #999-74

- B. Beginning at a point on the East side of the Right of Way of the Michigan Division of the C.C.C. & St. L. Railway, 640 feet North of the center line running East and West through the center of Section 12, Township 19 North, Range 7 East (such point being the intersection of said east side of the Right of Way and the North line of First Street); thence North and curving Eastwardly along said Right of Way to White River; thence up said river with its meanderings to the West line of Delaware Street in the City of Anderson, thence South with the West line of said Delaware Street to a point 1,064 feet North of said center line running East

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and West through the Center of said Section 12; thence West parallel with said center line, 864.25 feet; thence turn an angle to the left, 90 degrees and measure 424 feet to a point 640 feet North of the Center line running East and West through center of said Section 12 and 865 feet West of the West line of Delaware Street; thence West 512.4 feet to the place of beginning, containing 36.24 acres more or less.

EXCEPT: Beginning at a point on the West line of Delaware Street, as now located, said point being 1,064 feet North of the East-West centerline of said Section 12 as measured along the West line of said street; thence Westerly, parallel with said East-West centerline, a distance of 580 feet; thence Northerly, parallel with the West line of said street, a distance of 150 feet; thence Easterly, parallel with said East-West centerline, a distance of 580 feet to the West line of said street, thence Southerly, along the West line of said street, 150 feet to the point of beginning; containing 2.00 acres, more or less.

ALSO EXCEPT: Beginning at a point on the West line of Delaware Street, said point being North 00 degree 00 minute 00 second (assumed bearing) 1,214.00 feet from the intersection of the West line of Delaware Street with the East-West centerline of Section 12, Township 19 North, Range 7 East; thence North 89 degrees 54 minutes 00 second West 30.00 feet; thence North 78 degrees 59 minutes 19 seconds East 30.58 feet to a point on the West line of Delaware Street; thence South 00 degree 00 minute 00 seconds along the West line of Delaware Street a distance of 6.00 feet to a point of beginning. Being a part of the Northeast Quarter of Section 12, Township 19 North, Range 7 East, and containing 0.002 of an acre, more or less.

Containing after said exceptions, 34.238 acres, more or less.

Such lands being identified as Parcel Number 18-1138-2-1, in the Records of the Madison County Auditor;

- C. City of Anderson Township in Anderson, Indiana, Hannah and Hazlett's Addition, PL 12 Lot 50 - 48' E of NE corner of Jackson and 4th, PL 11 Lot 50 - 96' E of NE corner of Jackson and 4th, PL 21 Lot 53 Parking Lot Behind 4th and Jackson, PL 22 Lot 53, 200-300 Jackson Street, 2.806 Acres,

and,

WHEREAS, the City has evidence to support the possibility that the real estate has been environmentally damaged or contains environmental defects; and,

WHEREAS, the County agreed to use its discretion to acquire the real estate for the benefit of the City only upon the condition that the City would indemnify the County for all damage or liability the County might suffer for being in the chain of title to said real estate.

NOW THEREFORE, for and in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

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1. The City hereby agrees to protect, indemnify, and hold harmless the County from all liabilities, obligations, claims, damages, penalties, costs, causes of actions, fines, judgments, costs and expenses (including the County's reasonable attorney fees and expenses), arising from or in any way connected with any of the following:

- a. The presence of any hazardous materials in, on, at, under, about, or beneath the real estate;
- b. The violation of any laws pertaining to the physical condition of the real estate or any environmental activities conducted thereon; and,
- c. The violation of any regulation of the United States Environmental Protection Agency (the Indiana Department of Environmental Management, acting pursuant to any laws) or any other applicable government agency undertaking the removal or remediation of any hazardous materials or waste from the subject real estate;

arising from the County's obtaining title to the subject real estate for the benefit of the City.

2. If any action, suit or proceeding is brought against the County for any reason the City shall, at the City's expense, defend the action, suit, or proceeding with Counsel approved by the County, which approval shall not be unreasonably withheld.

3. The County shall executed a QuitClaim Deed for the subject real estate in favor of the City.

IN WITNESS WHEREOF, the parties have set their hands and seals as of the date above written.

CITY OF ANDERSON
BOARD OF PUBLIC WORKS

MADISON COUNTY BOARD OF
COMMISSIONERS

BY: _____
ROB SPARKS, *Chairman*

BY: _____
JOHN M. RICHWINE, *President*

PATRICIA DILLON, *Member*

PAUL F. WILSON, *Member*

Prepared by:
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BINGHAM, FARRER & WILSON, P.C.
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P. O. Box 494, Elwood, IN 46036
Telephone: (765) 552-9878
Facsimile: (765) 552-5496
Madison County/Anderson City Management Agreement, 10/20/06/rev 1/07

There being no further business the meeting was adjourned by Paul Wilson and seconded by Patricia Dillon. Motion carried.

BOARD OF COMMISSIONERS

